

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

T.P.H.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:24-cv-00077-CDL-MSH
	:	28 U.S.C. § 2241
WARDEN, Stewart Detention Center,	:	
	:	
Respondent. ¹	:	

ORDER TO ANSWER

Petitioner has applied for habeas corpus relief under 28 U.S.C. § 2241 (ECF No 1). Pursuant to the memorandum of understanding with the United States Attorney for the Middle District of Georgia, a copy of the petition and a copy of this Order shall be automatically served on the United States Attorney and Respondent electronically through CM/ECF. Respondent shall file a Return within three (3) days. *See* 28 U.S.C. § 2243. In the Return, Respondent shall specifically state the statutory basis for Petitioner’s detention. Petitioner’s failure to keep the Court apprised of any change of address may result in a dismissal for failure to prosecute this action.

¹ Petitioner also names Attorney General Merrick Garland, the Secretary of the Department of Homeland Security, and the Director of Immigration and Customs Enforcement (“ICE”) as respondents in his Petition. However, when a petitioner challenges the validity of physical confinement through a habeas application, “the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Accordingly, the Court has removed these respondents from the case and left only the Warden of Stewart Detention Center, where Petitioner is currently detained, as Respondent. The Clerk is **DIRECTED** to correct the docket and case caption to reflect this change.

SO ORDERED, this 29th day of May, 2024.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE